

UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO. 01: 06-MC-00046 PTS

THE SCO GROUP, INC.,

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant/Counterclaim-Plaintiff.

Case No. 2:03CV0294DAK (pending in the  
District Court of Utah before Judge Dale A.  
Kimball)

**PLAINTIFF'S MEMORANDUM OF LAW IN RESPONSE TO OTIS WILSON'S  
MOTION TO QUASH SUBPOENA AND FOR PROTECTIVE ORDER**

Pursuant to Local Rule 7.3 of the United States District Court for the Middle District of North Carolina, Plaintiff, The SCO Group, Inc. ("SCO"), incorporates by reference its *Memorandum of Law In Support of Motion to Enforce Subpoena and Compel the Deposition of Non Party Otis Wilson* and its *Reply Memorandum In Further Support Of Motion To Enforce Subpoena and Compel Deposition* as its Response Brief in Opposition to Otis Wilson's Motion to Quash Subpoena and for Protective Order.

This the 25th day of April, 2006.

/s/ Robert R. Marcus

Robert R. Marcus

N.C. State Bar No. 20041

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**CERTIFICATE OF SERVICE**

**This is to certify that on this date, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:**

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**And I hereby certify that a true and correct copy of the foregoing was served on the following non CM/ECF participants by first-class United States mail, postage prepaid, addressed as follows:**

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This the 25th day of April, 2006.

/s/ Robert R. Marcus

Robert R. Marcus